

**March 9, 2015  
Springfield, Missouri**

The City Council met in regular session March 9, 2015 in the Council Chambers at Historic City Hall. The meeting was called to order by Mayor Bob Stephens. A prayer was given by Doug Burlison.

**Roll Call**

Present: Jan Fisk, Cindy Rushefsky, Craig Hosmer, Doug Burlison, Mike Carroll, and Bob Stephens. Absent: Craig Fishel and Jerry Compton. Vacant Seat: Zone 1.

**Minutes**

The minutes of February 23, 2015 were approved as presented.

**Consent Agenda**

The Consent Agendas were finalized and approved as presented.

**CEREMONIAL MATTERS**

**City Managers report and responses to questions raised at the previous City Council meeting:**

Greg Burris, City Manager, responded all questions had been answered. He noted a response was sent to Council from the Fire Department regarding the levels of radiation in Springfield and the intended use of the equipment received from the Department of Natural Resources.

Mr. Burris noted questions were raised at the last Council meeting regarding the following topics: fire response time, stormwater, and traffic. He added additional information on these concerns was emailed to Council earlier today and a copy of that email has been presented to them this evening.

Mr. Burris noted Springfield is one of only two cities to be invited to speak at a national conference in Washington, D.C. next week. He added staff has been asked to share the City's Integrated Plan for the Environment with Directors of Natural Resources across 50 states and regulators from the Environmental Protection Agency. Mr. Burris noted the aforementioned meeting will give the City the opportunity to showcase the coordinated planning efforts of the City, County, and City Utilities. He added staff believes these efforts will help the City comply with unfunded environmental mandates, while minimizing the amount of money needed.

Mr. Burris noted in the coming weeks the City will be taking a deeper look into issues in the northwest quadrant of town. He added some data trends have been identified that are concerning, so staff will be holding a listening tour in the area to listen to concerns and brainstorm on possible solutions.

Mr. Burris recognized Brenda Cirtin, City Clerk, for her 21 years of service to the City. He noted this would be Ms. Cirtin's last Council meeting. Ms. Cirtin will be transitioning to City Clerk Emeritus on March 16, 2015 and will hold that position until her official retirement in August. Mr. Burris noted Ms. Cirtin will be working on special projects to benefit the City, as Assistant City Clerk, Anita Cotter, takes the helm as Acting City Clerk. He expressed his appreciation to Ms. Cirtin for her many years of service and congratulated her on this new

chapter she is embarking on.

Mr. Burris introduced Kent Hyde from the Ozark Empire Fair Board. Mr. Hyde expressed his appreciation to Council for their support in making alcohol available for sale at the Fair and other events at the E-Plex. He added the budget for his organization has been helped greatly by this new policy and he feels that it has been a welcome addition to their events.

Councilwoman Rushefsky asked Greg Burris, City Manager, if any pitbull adoptions have taken place since the policy was changed recently. Mr. Burris noted staff is still in negotiations with local rescue groups. He added one declined and another is still negotiating. Mr. Burris noted to help reduce some of the financial burden for the rescue agencies the standard insurance agreement has been reduced from \$3 million to \$1 million. Councilwoman Rushefsky expressed her belief that the reluctance from the insurance companies to insure local rescue agencies to adopt pitbulls is due to the City's vicious dog ordinance. Mr. Burris noted he was not aware of that concern. Dan Wichmer, City Attorney, noted he believes that to be the case. Councilwoman Rushefsky asked why the normal threshold is \$3 million. Mr. Burris responded that is the standard threshold, adding that lowering the amount to \$1 million leaves the City vulnerable if a lawsuit were to occur. Councilwoman Rushefsky asked if staff has reached out to rescue groups that specifically work with pitbulls. Kathryn Wahl, Public Information Officer for the Health Department, responded she is not aware if staff has reached out to those groups specifically. She added staff has reached out to rescue groups they currently have a relationship with.

Councilman Burlison asked if Council Bill 2015-056 regarding the vicious dog ordinance has been removed from the agenda this evening. Mr. Burris responded affirmatively. Councilman Burlison asked if the Mayor had the ability to remove an item from the agenda. Dan Wichmer, City Attorney, responded the current policy states when a Councilmember won't be present and want to weigh in on an issue, they can request that issue be put on hold. He added anything can be added to the agenda with a vote of five Councilmembers. Councilman Burlison expressed his belief the policy was only if there was no objection from Council. Mayor Stephens responded that was inaccurate. He added the policy has been reaffirmed at least twice and each time he believed it should remain a vote of five, but Council made the decision to make it Mayor's choice. Councilman Burlison asked if Council Bill 2015-056 was being removed indefinitely or if there was a plan regarding when it will come back before Council. Mayor Stephens noted Councilman Fishel requested the item be placed on hold for two meetings. Councilman Burlison asked if the aforementioned bill has been tabled. Mayor Stephens responded in the negative, adding the current policy has been to "put it off" for the time requested by the Councilmember.

Councilwoman Rushefsky noted she and Councilman Burlison have been very involved in this issue during their tenure on Council and requested it be brought to Council for a vote at the April 13, 2015 meeting. Mayor Stephens asked if the policy should be changed. Councilwoman Rushefsky responded in the negative, adding the policy is for people to be able to vote on something they feel important about.

Mayor Stephens asked if April 13, 2015 would be the first reading of the aforementioned bill. Mr. Wichmer responded affirmatively.

Councilman Burlison expressed concern about potentially compressing this issue into one meeting. He recommended the bill be brought before Council at the March 23, 2015 meeting for public hearing and then to a vote at the April 13, 2015 meeting. Mayor Stephens asked again if Council would like to change the current policy. Councilman Burlison responded in the negative. Councilman Hosmer expressed concern about the policy. He recommended one meeting be given as a courtesy, but not more than that.

Councilman Burlison moved to add Council Bill 2015-056 to the March 23, 2015 Council agenda for public hearing and to the April 13, 2015 Council agenda for the vote. Councilwoman Rushefsky seconded the motion and it failed by the following vote: Ayes: Burlison, Carroll, Hosmer, and Rushefsky. Nays: Fisk and Stephens. Absent: Fishel and Compton. Vacant Seat: Zone 1.

**The following bills appeared on the agenda under Second Reading Bills:**

**Annexation: 3705 West  
Sunshine Street**

Sponsor: Compton. Council Bill 2015-034. A general ordinance amending Springfield City Code, Chapter 1, Section 1-9, City Limits, by annexing approximately 39.13 acres of private property and 6.01 acres of MODOT and Greene County right-of-way into the City of Springfield, generally located at 3705 West Sunshine Street, more fully described in this ordinance, generally referenced as Annexation A-1-15; and amending Springfield City Code, Chapter 46, Section 46-1, Boundaries of wards, precincts, and council zones, by adding this property to the ward and precinct assigned by the County Clerk.

Council Bill 2015-034. General Ordinance 6172 was approved by the following vote: Ayes: Fishel, Compton, Fisk, Rushefsky, Hosmer, Carroll, and Stephens. Nays: Burlison. Absent: None. Abstain: None. Vacant Seat: Zone 1.

**Churches and Church  
Accessory Uses**

Sponsor: Stephens. Council Bill 2015-035. A general ordinance amending the Springfield Land Development Code, Article I, Zoning Ordinance, Division IV, Subdivision 1, Residential Districts, Subsections 4-1002, 4-1102, 4-1202, 4-1302, 4-1402, and 4-1502; Subdivision 3, Commercial Districts, Subsections 4-3502 and 4-3503; Subdivision 4, Industrial Districts, Subsections 4-4002, 4-4102, 4-4202, and 4-4402, relating to churches and church accessory uses. (Both Planning and Zoning Commission and staff recommend approval.)

Council Bill 2015-035. General Ordinance 6173 was approved by the following vote: Ayes: Fishel, Compton, Fisk, Rushefsky, Hosmer, Carroll, and Stephens. Nays: Burlison. Absent: None. Abstain: None. Vacant Seat: Zone 1.

**Zoning Maps in Digital  
Format**

Sponsor: Hosmer. Council Bill 2015-036. A general ordinance adopting the Official Zoning Map as provided for in Springfield Land Development Code, Section 1-1600, Zoning Maps, in a digital format and providing for the approved archival form. (Planning and Zoning Commission and Staff recommend approval.)

Council Bill 2015-036. General Ordinance 6174 was approved by the following vote: Ayes: Fishel, Compton, Fisk, Burlison, Carroll, and Stephens. Nays:

Hosmer and Rushefsky. Absent: None. Abstain: None. Vacant Seat: Zone 1.

**Termination of the  
Hickory Hills  
Marketplace CID**

Sponsor: Rushefsky. Council Bill 2015-037. A special ordinance approving the Termination of the Hickory Hills Marketplace Community Improvement District.

Council Bill 2015-037. Special Ordinance 26527 was approved by the following vote: Ayes: Fishel, Compton, Fisk, Rushefsky, Hosmer, Carroll, and Stephens. Nays: Burlison. Absent: None. Abstain: None. Vacant Seat: Zone 1.

**Stormwater Easement:  
Pioneer School Addition**

Sponsor: Compton. Council Bill 2015-038. A special ordinance relinquishing a stormwater easement and a sanitary sewer easement both located generally on Lot 1 of Pioneer School Addition, at 211 North Main Avenue, in Springfield, Missouri. (Planning and Zoning Commission and staff recommend approval.)

Council Bill 2015-038. Special Ordinance 26528 was approved by the following vote: Ayes: Fishel, Compton, Fisk, Rushefsky, Hosmer, Carroll, and Stephens. Nays: Burlison. Absent: None. Abstain: None. Vacant Seat: Zone 1.

**Rezoning: 3429 East  
Chestnut Expressway**

Sponsor: Rushefsky. Council Bill 2015-039. A general ordinance amending the Springfield Land Development Code, Section 1-1600, Zoning Maps, by rezoning approximately 34.51 acres of property, generally located at 3429 East Chestnut Expressway, from a Planned Development District No. 336 to an HC, Highway Commercial District; and establishing Conditional Overlay District No. 86 (Planning and Zoning Commission and staff recommend approval). (By: The School District of Springfield R-12 and High Street Fundamental Baptist Church; 3429 East Chestnut Expressway; Z-05-2015 and Conditional Overlay District NO. 86.)

Council Bill 2015-039. General Ordinance 6175 was approved by the following vote: Ayes: Fishel, Compton, Fisk, Rushefsky, Hosmer, Carroll, and Stephens. Nays: Burlison. Absent: None. Abstain: None. Vacant Seat: Zone 1.

**Rezoning: 610 North  
Jefferson Avenue**

Sponsor: Stephens. Council Bill 2015-040. A general ordinance amending the Springfield Land Development Code, Section 1-1600, Zoning Maps, by rezoning approximately 1.38 acres of property, generally located at 610 North Jefferson Avenue, from an HM, Heavy Manufacturing District, to a CC, Center City District and establishing Conditional Overlay District No. 88. (Staff and Planning and Zoning Commission recommend approval.) (By: Jordan Valley Community Health Clinic; 610 North Jefferson Avenue; Z-06-2015 and Conditional Overlay District NO. 88.)

Council Bill 2015-040. General Ordinance 6176 was approved by the following vote: Ayes: Fishel, Compton, Fisk, Rushefsky, Hosmer, Carroll, and Stephens. Nays: Burlison. Absent: None. Abstain: None. Vacant Seat: Zone 1.

**Rezoning: 2927, 2930,  
and 2962 North Fort  
Street**

Sponsor: Stephens. Council Bill 2015-041. A general ordinance amending the Springfield Land Development Code, Section 1-1600, Zoning Maps, by rezoning approximately 5.72 acres of property, generally located at 2927, 2930, and 2962 North Fort Street from an R-SF, Single-Family Residential District, to a GI, Government and Institutional Use District. (Planning and Zoning Commission and staff recommend approval.) (By: Friends of the Zoo (FOZ);

2927, 2930, and 2962 North Fort Street; Z-07-2015.)

Council Bill 2015-041. General Ordinance 6177 was approved by the following vote: Ayes: Fishel, Compton, Fisk, Rushefsky, Hosmer, Carroll, and Stephens. Nays: Burlison. Absent: None. Abstain: None. Vacant Seat: Zone 1.

**Rezoning: 2704 South Campbell Avenue**

Sponsor: Fishel. Council Bill 2015-042. A general ordinance amending the Springfield Land Development Code, Section 1-1600, Zoning Maps, by rezoning approximately two acres of property, generally located at 2704 South Campbell Avenue, from Planned Development 331 and LB, Limited Business District with Conditional Overlay District No. 26, to a GR, General Retail District; and establishing Conditional Overlay District No. 87. (Staff and Planning and Zoning Commission recommend approval.) (By: Empire Mortgage Co. Inc.; 2704 S. Campbell Ave.; Z-08-2015 and Conditional Overlay District NO. 87.)

Council Bill 2015-042. General Ordinance 6178 was approved by the following vote: Ayes: Fishel, Compton, Fisk, Rushefsky, Hosmer, Carroll, and Stephens. Nays: Burlison. Absent: None. Abstain: None. Vacant Seat: Zone 1.

**Rezoning: 3800 East Farm Road 132**

Sponsor: Rushefsky. Council Bill 2015-043. A general ordinance amending the Springfield Land Development Code, Section 1-1600, Zoning Maps, by rezoning approximately 37.38 acres of property, generally located at 3800 East Farm Road 132, from a Planned Development District No. 305 to an R-SF, Single-Family Residential District, and a GR, General Retail District. (Planning and Zoning Commission and staff recommend approval.) (By: Hickory Land Co LLC; 3800 East Farm Road 132; Z-09-2015.)

Council Bill 2015-043. General Ordinance 6179 was approved by the following vote: Ayes: Fishel, Compton, Fisk, Rushefsky, Hosmer, Carroll, and Stephens. Nays: Burlison. Absent: None. Abstain: None. Vacant Seat: Zone 1.

**Rezoning: 3850 South Campbell Avenue**

Sponsor: Fishel. Council Bill 2015-044. A general ordinance amending the Springfield Land Development Code, Section 1-1600, Zoning Maps, by rezoning approximately 4.59 acres of property, generally located at 3850 South Campbell Avenue, from a Planned Development 339 to a GR, General Retail District. (Staff and Planning and Zoning Commission recommend approval.) (By: C&M Realty, Inc.; 3850 S. Campbell Avenue; Z-10-2015.)

Council Bill 2015-044. General Ordinance 6180 was approved by the following vote: Ayes: Fishel, Compton, Fisk, Rushefsky, Hosmer, Carroll, and Stephens. Nays: Burlison. Absent: None. Abstain: None. Vacant Seat: Zone 1.

**RESOLUTIONS**

**EMERGENCY BILLS**

**PUBLIC IMPROVEMENTS**

**The following bills appeared on the agenda under Grants:**

**Show-Me Heroes Initiative**

Sponsor: Rushefsky. Council Bill 2015-054. A special ordinance authorizing the City Manager, or his designee, to accept reimbursement from the Missouri Career Center through the Show-Me Heroes initiative and amending the budget of the Springfield Police Department for Fiscal Year 2014-2015 in the amount of \$8,548.

MaryAnn Rojas, Director of Workforce Development, gave a brief overview of the proposed. She noted the Show-Me Heroes initiative helps veterans transition into the workforce. She added the proposed would provide funding for the Police Department to hire an employee through this program.

Councilwoman Rushefsky asked what the \$8,548 included in the proposed would fund. Ms. Rojas responded that amount would fund 50% of the salary for the proposed employee.

An opportunity was given for citizens to express their views. With no appearances, the discussion was closed.

Council Bill 2015-054. Special Ordinance 26534 was approved by the following vote: Ayes: Fishel, Compton, Fisk, Rushefsky, Hosmer, Carroll, and Stephens. Nays: Burlison. Absent: None. Abstain: None. Vacant Seat: Zone 1.

**PUBLIC HEARING BILLS**

**The following bills appeared on the agenda under First Reading Bills:**

**K9 Protective Vests**

Sponsor: Rushefsky. Council Bill 2015-055. A special ordinance authorizing the City Manager, or his designee, to accept the donation of six K9 protective vests from Vested Interest in K9s, Inc., for use by the Springfield Police Department (SPD) Police Service Dog Unit.

Paul Williams, Chief of Police, gave a brief overview of the proposed. He noted the Vested Interest in K9's, Inc. is an organization that looks at different K9 units across the Nation to find agencies in need of protective vests for their dogs. He added the vests provided by the program, in addition to the current vests the Police Department owns, will fully outfit their K9 unit.

An opportunity was given for citizens to express their views. With no appearances, the discussion was closed.

Council Bill 2015-056 was removed from the agenda.

**The following items appeared on the agenda under New Business:**

The Mayor recommended the following appointment to the Traffic Advisory Board: Angelo "Nick" Forte with term to expire April 1, 2017.

As per RSMo. 109.230 (4), City records that are on file in the City Clerk's office and have met the retention schedule will be destroyed in compliance with the guidelines established by the Secretary of State's office.

**PETITIONS, REMONSTRANCES, AND COMMUNICATIONS**

## MISCELLANEOUS

### The following bills appeared on the agenda under Consent Agenda First Reading Bills:

#### **Parks Sales Tax Fund Balance Reserves**

Sponsor: Stephens. Council Bill 2015-045. A special ordinance amending the budget of the Department of Public Works for the Fiscal Year 2014-2015, in the amount of \$965,000.00, to appropriate current and projected 2006 County-wide Parks Sales Tax fund balance reserves to provide additional funding for water quality, and waterway improvement projects, and the Municipal Separate Storm Sewer System (MS4) permit requirements.

#### **Preliminary Plat of Fuldner Condominiums**

Sponsor: Fishel. Council Bill 2015-057. A special ordinance authorizing the Director of Planning and Development to accept the dedication of the public streets and easements to the City of Springfield as shown on the Preliminary Plat of Fuldner Condominiums, generally located at 2937 South Claremont Avenue, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with the terms of this ordinance. (Planning and Zoning Commission and Staff recommend that City Council accept the public streets and easements.)

#### **Pedestrian Accommodations along Route 744**

Sponsor: Rushefsky. Council Bill 2015-058. A special ordinance authorizing the City Manager, or his designee, to enter into a Municipal Agreement with the Missouri Highways and Transportation Commission (MHTC) for the construction and maintenance of pedestrian accommodations along portions of Route 744 (Kearney Street), Route 413 (Sunshine Street), Route 13 (Kansas Expressway), Loop 44 (Chestnut Expressway) and Business Route 65 (Chestnut Expressway), designated as MHTC Job Nos. 8P3035C, J8S3025, and J8S3026.

#### **Art Museum HVAC System Installation**

Sponsor: Carroll. Council Bill 2015-059. A special ordinance amending the budget of the Springfield Art Museum for the Fiscal Year 2014-2015, in the amount of \$250,000.00 and appropriating these funds for the purchase and installation of an HVAC System in the Musgrave Wing of the Springfield Art Museum.

### The following bills appeared on the agenda under Consent Agenda One Reading Bills:

#### **Sanitary Sewer District No. 111L of Section No. 2**

Sponsor: Rushefsky. Council Bill 2015-060. A special ordinance accepting the bid of Hamilton & Dad, Inc., in the amount of \$92,762.00 for the construction of sanitary sewers in Sanitary Sewer District No. 111L of Section No. 2, located in the vicinity of Elm Street and Anoka Place; declaring the work to be necessary; stating the intention to pay for all or part of the improvements from the proceeds of bonds; specifying those costs and expenses to be assessed against the properties in the district and the method by which the costs will be apportioned; setting forth the manner of payment, the lien of the assessments, and the duration of the lien; setting forth the interest rate to be charged on the tax bills; authorizing the City Manager, or his designee, to enter into a contract and to approve the bond for said improvement; and authorizing progress payments to be made to the contractor.

Council Bill 2015-060. Special Ordinance 26529 was approved by the following vote: Ayes: Fishel, Compton, Fisk, Rushefsky, Hosmer, Burlison, Carroll, and Stephens. Nays: None. Absent: None. Abstain: None. Vacant Seat: Zone 1.

**Shamrock the Roads  
Glow in the Dark 5k  
Race**

Sponsor: Stephens. Council Bill 2015-061. A resolution granting a Special Events Permit to Kappa Delta Sorority at Drury University for March 27, 2015, for the Shamrock the Roads Glow in the Dark 5k race.

Council Bill 2015-061. Resolution 10200 was approved by the following vote: Ayes: Fishel, Compton, Fisk, Rushefsky, Hosmer, Burlison, Carroll, and Stephens. Nays: None. Absent: None. Abstain: None. Vacant Seat: Zone 1.

**The following bills appeared on the agenda under Consent Agenda  
Second Reading Bills:**

**Preliminary Plat of  
Hickory Hills  
Subdivision Phase II**

Sponsor: Rushefsky. Council Bill 2015-046. A special ordinance authorizing the Director of Planning and Development to accept the dedication of the public streets and easements to the City of Springfield as shown on the Preliminary Plat of Hickory Hills Subdivision Phase II, generally located at 3800 East Farm Road 132, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with the terms of this ordinance. (Planning and Zoning Commission and Staff recommend that City Council accept the public streets and easements.)

Council Bill 2015-046. Special Ordinance 26530 was approved by the following vote: Ayes: Fishel, Compton, Fisk, Rushefsky, Hosmer, Burlison, Carroll, and Stephens. Nays: None. Absent: None. Abstain: None. Vacant Seat: Zone 1.

**Preliminary Plat of  
Menards East**

Sponsor: Rushefsky. Council Bill 2015-047. A special ordinance authorizing the Director of Planning and Development to accept the dedication of the public streets and easements to the City of Springfield as shown on the Preliminary Plat of Menards East, generally located at 3429 East Chestnut Expressway, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with the terms of this ordinance. (Planning and Zoning Commission and Staff recommend that City Council accept the public streets and easements.)

Council Bill 2015-047. Special Ordinance 26531 was approved by the following vote: Ayes: Fishel, Compton, Fisk, Rushefsky, Hosmer, Burlison, Carroll, and Stephens. Nays: None. Absent: None. Abstain: None. Vacant Seat: Zone 1.

**Preliminary Plat of  
Sunset Plaza Phase II**

Sponsor: Fishel. Council Bill 2015-048. A special ordinance authorizing the Director of Planning and Development to accept the dedication of the public streets and easements to the City of Springfield as shown on the Preliminary Plat of Sunset Plaza Phase II, generally located at 2704 South Campbell Avenue, upon the applicant filing and recording a final plat that substantially conforms to the preliminary plat; and authorizing the City Clerk to sign the final plat upon compliance with the terms of this ordinance. (Planning and Zoning Commission and Staff recommend that City Council accept the public streets

and easements.)

Council Bill 2015-048. Special Ordinance 26532 was approved by the following vote: Ayes: Fishel, Compton, Fisk, Rushefsky, Hosmer, Burlison, Carroll, and Stephens. Nays: None. Absent: None. Abstain: None. Vacant Seat: Zone 1.

**Hotel-Motel Tax  
Proceeds**

Sponsor: Carroll. Council Bill 2015-049. A special ordinance authorizing the City Manager, or his designee, to enter into agreements with the Discovery Center of Springfield, Lake Country Soccer, and Springfield Art Museum to receive reallocated Hotel-Motel tax proceeds.

Council Bill 2015-049. Special Ordinance 26533 was approved by the following vote: Ayes: Fishel, Compton, Fisk, Rushefsky, Hosmer, Burlison, Carroll, and Stephens. Nays: None. Absent: None. Abstain: None. Vacant Seat: Zone 1.

Council confirmed the following appointment to the Tree City USA Citizen Advisory Committee: Kimberly Mooney with term to expire December 1, 2017.

Council confirmed the following reappointments to the Tree City USA Citizen Advisory Committee: Jane Earnhart and Vivian Wasson with terms to expire December 1, 2017.

Council confirmed the following appointments to the Landmarks Board: Kent Brown and Justin Stanek with terms to expire November 1, 2017.

Council confirmed the following appointment to the Planning and Zoning Commission: Cameron Rose with term to expire January 1, 2018.

Council confirmed the following appointment to the Springfield-Greene County Environmental Advisory Board: Deborah Good with term to expire October 1, 2015.

Council confirmed the following reappointments to the Board of Equalization: Bill Drummond, Phyllis Netzer, and Isabelle Walker with terms to expire April 1, 2018.

With no further business to come before Council, the meeting adjourned at approximately 7:15 p.m.